

ORDINANCE NO. 21-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA APPROVING AN AMENDMENT TO THE OCEAN WALK PLACE PLANNED UNIT DEVELOPMENT TO INCREASE THE MAXIMUM BUILDING LOT COVERAGE AND REDUCING THE SIDE, SIDE CORNER AND REAR SETBACKS APPLICABLE TO ACCESSORY STRUCTURES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Richard Ankiel is the representative of the owners of the 40.8± acre Ocean Walk Place Planned Unit Development (the PUD); and

WHEREAS, the legal description of the Ocean Walk Place Planned Unit Development (PUD) is contained in Exhibit "A", attached hereto and incorporated herein (the Subject Property); and

WHEREAS, the Subject Property is generally located east of the intersection of Ocean Walk Boulevard and U.S. Highway One; and

WHEREAS, Cotleur Hearing, Inc. is acting as their authorized agent (the Agent) for the owners within the PUD regarding an application to amend the PUD (the Application); and,

WHEREAS, the Town's Planning and Zoning Commission has considered the Application and has made its recommendations to the Town Council; and,

WHEREAS, the Town Council has conducted a public hearing wherein it considered the evidence and testimony presented by the Town staff, the Applicant, and other interested parties and members of the public, regarding whether the Application is consistent with the Town's Comprehensive Plan and meets the Town's Land Development Regulations; and,

WHEREAS, at this hearing, the Town Council determined that certain conditions, as set forth herein, are necessary to render the Application consistent with the Town's Comprehensive Plan and to meet the Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, THAT:

Section 1. The whereas clauses are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Town Council.

Section 2. The Town Council hereby approves the Application, subject to the conditions listed below:

- 1) The Applicant shall install all improvements in compliance with the attached plans/drawings:
 - a) Lot coverage and greenspace exhibit, referenced as sheets "Typical Building A thru D", dated 05/14/14, prepared by Cotleur Hearing, Inc., received and dated by the Department of Planning and Zoning on 7/03/14.
 - b) Average lot size exhibit, prepared by Cotleur Hearing, Inc., received and dated by the Department of Planning and Zoning on 7/03/14.

- c) Drainage plans, dated 6/2014, prepared by MacKenzie Engineering and Planning, Inc., received and dated by the Department of Planning and Zoning on 7/03/14.
 - d) Statement of Use, dated 06/30/14, prepared by Cotleur Hearing, Inc., received and dated by the Department of Planning and Zoning on 7/03/14.
- 2) The uses conducted on the Subject Property shall conform to the representations in the Statement of Use prepared by Cotleur Hearing, Inc., received and dated by the Department of Planning and Zoning on 7/03/14.
 - 3) Any revisions to the site plan, landscape plan, elevations, signs, Statement of Use or other details submitted as part of the Application, including but not limited to the location of the proposed improvements or additional, revised or deleted colors, materials, or structures, shall be submitted to the Department of Planning and Zoning (hereinafter the Department) and shall be subject to it's review and approval.
 - 4) Any condition which is associated with the resubmitted final plans shall be subject to the Department's review and approval.
 - 5) The conditions of approval herein shall apply to the Applicant, its successors and assigns.
 - 6) Upon the submission of the final plans, and prior to the issuance of any development permits , the Applicant shall revise the Statement of Use to note:

- a) Reduced setbacks shall apply to accessory uses, buildings and structures as listed in Section 27-1667 of the Town Code, except for detached garages, barns, and kennels which shall not be eligible for reduced setbacks.
 - b) Swimming pool, spas, screen enclosures, and patios shall meet the setback requirements of Division 25.
 - c) Accessory uses, buildings, structures shall meet all other requirements of the Town Code.
 - d) The Town Code requires 35% green space required for residential Planned Unit Developments.
 - e) All drainage, from any improvements provided on individual lots, shall be maintained on site.
- 7) Each individual lot shall maintain a minimum of 25 percent green space when lot coverage is proposed to increase above 35%. Those lots that exceeds the 35% lot coverage, are not eligible for any building permits which, if approved, would reduce green space to less than 25%.
- 8) The maximum lot coverage on single family lots is 40%.
- 9) All previous approvals for the Ocean Walk PUD not amended herein remain in effect.

Section 3. This Ordinance shall take effect immediately upon its adoption.

Exhibit "A" - Legal Description

OCEAN WALK PLACE
PLAT BOOK 32/ PAGES 46-48

A parcel of land lying and being in Section 8, Township 41 South, Range 43 East, Town of Jupiter, Palm Beach County, Florida being more particularly described as follows:

Begin at the intersection of the Easterly Right-of-Way line of U.S. Highway No. 1 (S.R. No. 5) as recorded in Road Plat Book 2, page 110, Public Records of Palm Beach County, Florida and the North line of Government Lot 3, Section 8, Township 41 South, Range 43 East; Thence S 89°33'29" E, along the North line of said Government Lot 3, a distance of 584.42 feet to the Northeast corner of said Government Lot 3 and the Southwest corner of Government Lot 1, Section 8 Township 41 South, Range 43 East; Thence, N 3°50'31" E along the West line of said Government Lot 1, a distance of 425.70 feet to the intersection with the North line of the South 424.95 feet of said Government Lot 1; Thence S 89°33'29" E along said North line, a distance of 452.75 feet; Thence S 0°26'31" W, a distance of 464.95 feet to the intersection with a line 40 feet South of and parallel to the South line of said Government Lot 1; Thence S 89°33'29" E along said parallel line, a distance of 469.00 feet; Thence N 0°26'31" E, a distance of 464.95 feet to the said North line of the South 424.95 feet of said Government Lot 1; Thence S 89°33'29" E along said North line, a distance of 40.00 feet; Thence S 0°26'31" W, a distance of 242.95 feet to the intersection with a line 182 feet North of and parallel to the South line of said Government Lot 1; Thence S 89°33'29" E along said parallel line, a distance of 125.00 feet; Thence S 35°23'45" E, a distance of 44.41 feet; Thence S 0°26'31" W, a distance of 180.00 feet to a line 34 feet South of and parallel to the South line of said Government Lot 1; Thence S 89°33'29" E along said parallel line, a distance of 805.00 feet; Thence N 74°17'57" E, a distance of 84.99 feet to a line 33' Westerly of and parallel to the centerline of S.R. A-1-A as now laid out and in use; Thence S 15°42'03" E, along said parallel line, a distance of 36.00 feet; Thence S 74°17'57" W, a distance of 90.10 feet to the intersection with a line 70 feet South of and parallel to the South line of said Government Lot 1; Thence N 89°33'29" W along said parallel line, a distance of 840.11 feet; Thence S 0°26'31" W, a distance of 260.00 feet to the intersection with the South line of the North 330 feet of Government Lot 4, Section 8, Township 41 South, Range 43 East; Thence N 89°33'29" W, along said South line a distance of 38.00 feet; Thence N 0°26'31" E a distance of 230.00 feet to the intersection with a line 100 feet South of and parallel to the North line of said Government Lot 4; Thence N 89°33'29" W, along said parallel line, a distance of 254.00 feet; Thence N 0°26'31" E, a distance of 24.00 feet to a line 76 feet South of and parallel to the North line of Government Lot 4; Thence N 89°33'29" W along said parallel line a distance of 580.00 feet; Thence S 0°26'31" W, a distance of 254.00 feet to the South line of the North 330 feet of said Government Lot 4; Thence N 89°33'29" W, along said South line and along the South line of the North 330 feet of Government Lot 3, Section 8, Township 41 South, Range 43 East, a distance of 678.10 feet to the Easterly Right-of-Way line of said U.S. Highway No. 1 (S.R. No. 5); Thence N 22°53'15" W along said Easterly Right-of-Way line, a distance of 359.38 feet to the North line of said Government Lot 3 and the Point of Beginning.

OCEAN WALK PLACE, PHASE II
PLAT BOOK 35/ PAGES 25 & 26

A Parcel of land in Government Lot 4, Section 8, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

From the Northwest corner of said Government Lot 4 run S 89°33'29" E along the North line of said Government Lot 4 a distance of 478.00 feet to the intersection with the East line of Block 2, according to the Plat of OCEAN WALK PLACE, as recorded in Plat Book 32, Pages 46, 47 & 48, Palm Beach County Florida, Public Records, thence S 0°26'31" W along said East line of said Block 2 and its Southerly extension a distance of 76.00 feet to the Point of Beginning said point being on a line 76.00 feet South of and parallel to the North line of Government Lot 4, thence S 89°33'29" E along said parallel line a distance of 338.00 feet, thence S 0°26'31" W a distance of 24.00 feet to the intersection with a line 100.00 feet South of and parallel to the North line of Government Lot 4, thence S 89°33'29" E along said parallel line a distance of 254.00 feet, thence S 0°26'31" W a distance of 230.00 feet to the intersection with the South line of the North 330.00 feet of Government Lot 4, Section 8, Township 41 South, Range 43 East, thence N 89°33'29" W along said South line a distance of 834.00 feet to the Southeast corner of Block 1 according to said Plat of OCEAN WALK PLACE, thence N 0°26'31" E along said East line of said Block 1 a distance of 254.00 feet to an intersection with a line 76.00 feet South of and parallel with the North line of said Government Lot 4, thence S 89°33'29" E along said parallel line a distance of 242.00 feet to the POINT OF BEGINNING
Also known as Block 3, OCEAN WALK PLACE.

Together with the following described property:

A parcel of land in Government Lots 1 and 4, Section 8, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

From the Southwest corner of said Government Lot 1, run S 89°33'29" E, along the South line of said Government Lot 1, a distance of 478.00 feet to the intersection with the East line of Block 2, according to the Plat of OCEAN WALK PLACE, as recorded in Plat Book 32, Pages 46, 47 & 48, Palm Beach County, Florida, Public Records, and the POINT OF BEGINNING; thence N 0°26'31" E, along said East line of said Block 2, a distance of 424.95 feet to a line 424.95 feet North of and parallel to said South line of said Government Lot 1; thence S 89°33'29" E, along said parallel line, a distance of 469.00 feet to the Northwest corner of Tract "C", according to the Plat of said OCEAN WALK PLACE; thence S 0°26'31" W, along the West line of said Tract "C", a distance of 464.95 feet to a point 40.00 feet South of the South line of Government Lot 1, thence N 89°33'29" W, 40.00 feet from and parallel to said South line of Government Lot 1 a distance of 469.00 feet to the Southwest corner of Block 2 according to the Plat of said OCEAN WALK PLACE, thence N 0°26'31" E along the East line of Block 2 a distance of 40.00 feet to the POINT OF BEGINNING Also known as Block 4 OCEAN WALK PLACE.

Together with the following described parcel:

A parcel of land in Government Lots 1, 4 and 5, Section 8, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

From the Southwest corner of said Government Lot 1, run S 89°33'29" E, along the South line of said Government Lot 1, a distance of 1138.00 feet to the intersection with the East line of Tract "C", according to the Plat of OCEAN WALK PLACE, as recorded in Plat Book 32, Pages 46, 47 & 48, Palm Beach County, Florida, Public Records; and the POINT OF BEGINNING; thence run N 0°26'31" E, along said East line of Tract "C", a distance of 146.00 feet; thence N 35°23'45" W, along the Northeast line of said Tract "C", a distance of 44.41 feet; thence N 89°33'29" W, along the North line of said Tract "C", a distance of 125.00 feet; thence N 0°26'31" E, along the East line of said Tract "C", a distance of 242.95 feet to a line 424.95 feet North of and parallel to said South line of Government Lot 1 and the Northeast corner of said Tract "C"; thence S 89°33'29" E, along said parallel line, a distance of 450.00 feet; thence S 0°26'31" W, a distance of 100.95 feet; thence S 89°33'29" E, a distance of 28.00 feet; thence S 0°26'31" W, a distance of 358.00 feet to a point 34.00 feet South of the South line of Government Lot 1, thence N 89°33'29" W, 34.00 feet from and parallel to said South line of Government Lot 1, a distance of 327.00 feet to the Southeast corner of said Tract "C" thence N 0°26'31" E a distance of 34.00 to the POINT OF BEGINNING.
Also known as Block 5 OCEAN WALK PLACE

Together with the following described parcel:

A Parcel of land in Government Lots 4 and 5, Section 8, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

From the Northwest corner of said Government Lot 4 run S 89°33'29" E along the North line of said Government Lot 4 a distance of 1138.00 feet to the intersection with the East line of Tract "C", according to the Plat of OCEAN WALK PLACE, as recorded in Plat Book 32, Pages 46, 47 & 48, Palm Beach County, Florida, Public Records, thence S 0°26'31" W along said East line of said Tract "C" and its Southerly extension a distance of 70.00 feet to the POINT OF BEGINNING. Said point being on a line 70.00 feet South of and parallel to the North line of Government Lots 4 and 5, thence S 89°33'29" E along said parallel line a distance of 197.33 feet, thence S 0°26'31" W a distance of 194.02 feet, thence N 89°12'29" W a distance of 12.90 feet to a point on the West line of said Government Lot 5, thence S 03°10'01" W along the Westerly line of said Government Lot 5 a distance of 66.13 feet to the intersection with the South line of the North 330.00 feet of Government Lot 4, Section 8, Township 41 South, Range 43 East, thence N 89°33'29" W along said South line a distance of 211.95 feet, thence N 0°26'31" E a distance of 260.00 feet to an intersection with a line 70.00 feet South of and parallel with the North line of said Government Lot 4, thence S 89°33'29" E along said parallel line a distance of 30.67 feet to the POINT OF BEGINNING.
Also known as Block 6, OCEAN WALK PLACE.

OCEAN WALK PLACE, PHASE III

PLAT BOOK 39/ PAGES 139 & 140

A PARCEL OF LAND IN GOVERNMENT LOT 5, SECTION 8, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF GOVERNMENT LOT 4 OF SAID SECTION 8, RUN S 89°33'29" E, ALONG THE NORTH LINE OF SAID GOVERNMENT LOTS 4 AND 5 A DISTANCE OF 1465.0 FEET TO A POINT IN THE EAST LINE OF OCEAN WALK PLACE PHASE II AS RECORDED IN PLAT BOOK 35, PAGE 25 RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 00°26'31" W, A DISTANCE OF 70.00 FEET; THENCE N 89°33'29" W, A DISTANCE OF 129.00 FEET TO THE POINT OF BEGINNING. PROCEED THENCE S 89°33'29"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF OCEAN WALK BOULEVARD AS SHOWN ON THE PLAT OF OCEAN WALK PLACE RECORDED IN PLAT BOOK 32, PAGE 48 RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 612.10 FEET; THENCE N 74°17'57" E, A DISTANCE OF 90.10 FEET, TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE S 15°42'03" E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 232.92 FEET; THENCE N 89°12'29" W, A DISTANCE OF 763.41 FEET; THENCE N 00°26'31" E, A DISTANCE OF 194.02 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY. A PARCEL OF LAND IN GOVERNMENT LOTS 185, SECTION 8, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF GOVERNMENT LOT 4 OF SAID SECTION 8, RUN S 89°33'29" E, ALONG THE NORTH LINE OF SAID GOVERNMENT LOTS 4 AND 5 A DISTANCE OF 1465.0 TO A POINT IN THE EAST LINE OF OCEAN WALK PLACE PHASE II AS RECORDED IN PLAT BOOK 35, PAGE 25 RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 00°26'31" W, A DISTANCE OF 34.00 FEET TO THE POINT OF BEGINNING. PROCEED THENCE ALONG THE EAST LINE OF SAID OCEAN WALK PLACE PHASE II N 00°26'31" E, A DISTANCE OF 358.00 FEET; THENCE N 89°33'29" W, A DISTANCE OF 28.00 FEET; THENCE N 00°26'31" E, A DISTANCE OF 100.95 FEET; THENCE S 89°33'29" E, ALONG THE NORTH LINE OF THE SOUTH 424.95 OF SAID GOVERNMENT LOT 1 A DISTANCE OF 480.99 FEET TO A POINT IN WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE S 10°56'19"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 223.89 FEET; THENCE S 15°42'03" E, A DISTANCE OF 224.69 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF OCEAN WALK BOULEVARD AS SHOWN ON THE PLAT OF OCEAN WALK PLACE AS RECORDED IN PLAT BOOK 32, PAGE 48, RECORDS OF PALM BEACH COUNTY, FLORIDA, S 74°17'57" W, A DISTANCE OF 84.99 FEET, AND N 89°33'29" W, A DISTANCE OF 478.00 FEET TO THE POINT OF BEGINNING.

Upon First Reading this 7th day of October, 2014, the foregoing Ordinance was offered by Councilor Todd Wodraska, who moved its adoption. The motion was seconded by Councilor Wendy Harrison, and upon being put to a roll call vote, the vote was as follows:


	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR ILAN KAUFER	X	
COUNCILOR WENDY HARRISON	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR TODD R. WODRASKA	X	

Upon Second Reading this 21st day of October, 2014, the foregoing Ordinance was offered by Councilor Todd Wodraska, who moved its adoption. The motion was seconded by Councilor Wendy Harrison, and upon being put to a roll call vote, the vote was as follows:

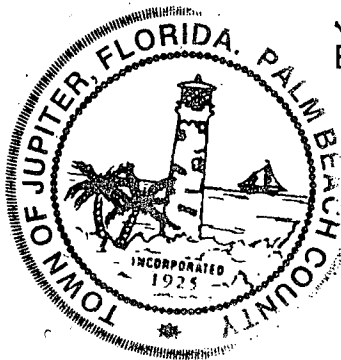
	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR ILAN KAUFER	ABSENT	
COUNCILOR WENDY HARRISON	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR TODD R. WODRASKA	X	

The Mayor thereupon declared Ordinance 21 -14 duly passed and adopted this 21st day of October, 2014.


ATTEST:



 SALLY M. BOYLAN, MMC
 TOWN CLERK

(TOWN SEAL)



TOWN OF JUPITER, FLORIDA

BY: 
 KAREN J. GOLONKA
 MAYOR


 THOMAS J. BAIRD, ESQ.
 Approved as to form and
 legal sufficiency